

ADJOURNMENT

Mr. McConnell moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Russell moved that the House adjourn until 10:00 o'clock a. m., next Wednesday.

The motion of Mr. McConnell prevailed, and the House, accordingly, at 10:55 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

SEVENTH DAY

(Tuesday, June 8, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hankamer
Adkins	Hanna
Alexander	Harbin
Alsup	Hardin
Amos	Harper
Baker	Harrell
Bates	Harris of Archer
Beckworth	Harris of Dallas
Bell	Harris of Dickens
Blankenship	Hartzog
Boethel	Heflin
Bond	Holland
Boyer	Hoskins
Bradbury	Huddleston
Bridgers	Hull
Broadfoot	Hyder
Brown	Jackson
Burton	James
Cagle	Johnson of Ellis
Callan	Johnson
Carssow	of Tarrant
Cathey	Jones of Angelina
Caithorn	Jones of Atascosa
Celaya	Jones of Falls
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Jasper	Keith
Davison of Fisher	Kelt
Davisson	Kenyon
of Eastland	Kern
Deglandon	King
Derden	Knetsch
Dickison	Langdon
England	Lankford
Felty	Lanning
Fielden	Leath
Fox	Leyendecker
Fuchs	Little
Gibson	Loggins
Hamilton	London

Lucas	Ross
Mann	Russell
Mauritz	Schuenemann
Mays	Sewell
McConnell	Settle
McDonald	Sharpe
McFarland	Shell
Metcalfe	Simpson
Moffett	Skaggs
Monkhouse	Smith of Hopkins
Morris	Smith
Morse	of Matagorda
Newton	Smith of Tarrant
Nicholson	Stevenson
Oliver	Stinson
Palmer	Stocks
Patterson of Mills	Talbert
Patterson	Tarwater
of Travis	Tennant
Petsch	Tennyson
Pope	Thornberry
Powell	Thornton
Prescott	Vale
Ragsdale	Waggoner
Reader	Walker
Reed of Bowie	Westbrook
Reed of Dallas	Weldon
Rhodes	Winfree
Riddle	Wood
Roark	

Absent

Dollins	Howard
Graves	

Absent—Excused

Bradford	McCracken
Davis of Haskell	McKee
Dean	McKinney
Farmer	Quinn
Herzik	Rutta
Leonard	Worley

A quorum was announced present.
Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. McKee for today, on motion of Mr. Knetsch.

Mr. McKinney for today, on motion of Mr. Alexander.

Mr. Bradford for today and balance of the week, on motion of Mr. Harrell.

Mr. Herzik for today, on motion of Mr. Jones of Atascosa.

Mr. Davis of Haskell for today, on motion of Mr. Ross.

Mr. Dean for today and the balance of the week, on motion of Mr. Celaya.

Mr. McCracken for today, on motion of Mr. Winfree.

Mr. Worley for today, on motion of Mr. Keefe.

Mr. Leonard for today, on motion of Mr. McDonald.

The following Members were granted leaves of absence on account of illness:

Mr. Farmer for today, on account of illness in his family, on motion of Mr. Amos.

Mr. Quinn for today and balance of the week, on motion of Mr. Harris of Archer.

Mr. Rutta for today, on account of illness in his family, on motion of Mr. Hamilton.

HOUSE BILLSON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Amos, Mr. Bond, Mr. Tenant, Mr. Keefe, Mr. Bradbury, Mr. Hull, Mr. Simpson, Mr. Holland, Mr. Morris, Mr. Loggins, Mr. Powell, Mr. Fuchs, Mr. Rutta, Mr. Kern, Mr. Kelt, Mr. Tarwater, Mr. Stocks, Mr. Mauritz, Mr. Leyendecker, Mr. Knetsch, Mr. Russell, Mr. Smith of Tarrant, Mr. Beckworth, Mr. Petsch, Mr. Hamilton, Mr. London, Mr. Ragsdale, Mr. Shell, Mr. Moffett, Mr. Metcalfe, Mr. Jones of Wise, Mr. Bell, Mr. Settle, Mr. Hyder, Mr. Smith of Matagorda, Mr. Ross, Mr. Davis of Jasper, Mr. Mann, Mr. Harris of Dickens, Mr. Oliver, Mr. Deglandon, Mr. Davison of Eastland, Mr. Johnson of Ellis, Mr. Roark and Mr. Prescott:

H. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Broadfoot, Mr. Rhodes, Mr. Mauritz, Mr. Russell, Mr. Davison of Fisher and Mr. Sharpe:

H. B. No. 17, A bill to be entitled "An Act providing for the injunction at the suit of either the State or any citizen thereof to stop or prohibit the use of any premises, place or building or part thereof for the purpose of gaming or keeping or exhibiting games or for use as bawdy or disorderly house or for carrying on bucket shops or for the business of pool selling or bookmaking as prohibited by the Penal Code or any law of this State, declaring such places a nuisance and providing for cost, penalties and attorney's fees and prescribing procedure to be followed; providing for lien for cost and attorneys' fees, and repealing Article 4667 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. England, Mr. Pope, Mr. Leath and Mr. Tarwater:

H. B. No. 18, A bill to be entitled "An Act providing for the distribution and disposition of the jacks and stallions now owned by the State of Texas; providing that the Commissioner of Agriculture shall adopt reasonable rules and regulations with respect to the distribution, care, use, and maintenance of such animals; providing the manner in which, and funds out of which, expenditures herein authorized shall be paid; prescribing the amount of breeding fees that shall be required by caretakers of such stallions and jacks owned by the State of Texas, and the division and disposition of such breeding fees; providing for a chief supervisor of the jack and stallion division, and for the payment of his salary out of a special jack and stallion fund, hereby created; prescribing the manner and the purpose for which moneys on deposit in the State Treasury to the credit of the Special Racing Fund shall be disbursed and held, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Petsch:

H. B. No. 19, A bill to be entitled "An Act to amend Article 619 of Chapter 6, Title 11, Penal Code of the

State of Texas, as enacted in 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. England:

H. B. No. 20, A bill to be entitled "An Act declaring it unlawful to engage or assist or to use the telephone, telegraph, or radio in connection with pool selling or bookmaking at any race, speed, skill, or endurance contest of, by, or between animals, persons, or machines controlled by a person or persons, or machines controlled by an animal or animals; making it an offense to take or accept any bet or wager of money or anything of value on any such race; declaring it unlawful to aid any other person in betting or placing a bet or taking or accepting any bet or wager on any such race and prescribing a penalty for all such violations; providing what quantum of evidence shall constitute prima facie proof of such violations and providing what allegations shall be sufficient in an indictment to allege such offenses; declaring it unlawful for the owner, agent, lessor or lessee of any property to allow such to be used as a place for pool selling, bookmaking, betting or wagering or receiving a bet or aiding any other person in placing any bet or receiving or transmitting any offer to bet any money or any article of value on any such race; prescribing a penalty therefor; providing the quantum of proof required to show violation of such laws; declaring it unlawful for any telephone, telegraph, or radio service to be furnished for purposes prohibited by this Act and prescribing a penalty for violation; declaring it unlawful to use the telephone, telegraph or radio in connection with pool-buying, betting or wagering on any race and prescribing a penalty; providing that a conviction may be had upon the uncorroborated testimony of an accomplice; providing for immunity for a witness who testifies under such circumstances; making any and all kinds of miscellaneous betting an offense and prescribing a penalty; declaring this Act to be cumulative of all other provisions of law on the same subject; amending Articles 645 and 650 Penal Code of Texas, 1925; repealing Articles 624, 625, 647, 648, 649, 651 and 652 Penal Code of Texas, 1925; declaring the provisions of this Act

to be severable, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Pope raised a point of order, on further consideration of House Bill No. 16, on the ground that the bill contains subject matter not within the Governor's call.

The Speaker sustained the point of order.

TO GRANT H. J. BIRDSONG PERMISSION TO SUE THE STATE

Mr. Skaggs offered the following resolution:

H. C. R. No. 8, To grant H. J. Birdsong permission to sue the State.

Whereas, H. J. Birdsong, of Red River County, Texas, an employee under the WPA Road Improvement Project of the Detroit-Woodland Public Road in Red River County, Texas, claims damages against the State Highway Department of Texas and/or the State of Texas for injuries sustained to his left foot and ankle as a result of a State Highway Department truck, using said road for traffic purposes in transferring road materials from one point to another, and driven by an employee of the State Highway Department, to-wit, Ernest McPeck, running over the said left foot and ankle of the claimant on the 16th day of December, A. D., 1935, said injury occurring about one-half mile North of what is known as the Bud Ward Place, on the said Detroit-Woodland Public Road, in Red River County, Texas, and totally and permanently injuring claimant insofar as his left foot and ankle are concerned; and

Whereas, The said claimant contends that the damages suffered by him as a result of said injury were directly and proximately caused by the negligence of the State Highway Department of Texas, and its employee or employees, in driving a State Highway Department truck too near to men at work upon said road project, and failing to stop upon being signalled by WPA Road Project Foreman to stop, and as a result thereof injuring the claimant in the manner as hereinabove described, claimant having his back to the approach of said State Highway Department truck and not seeing same or being aware of its presence until he

was injured by said truck as aforesaid;

Whereas, The claimant has not been compensated for the damages sustained by him on account of the injuries he has sustained at the hands of the State Highway Department of Texas, and its employee or employees, as aforesaid;

Whereas, Suit cannot be maintained against the State of Texas, and the State Highway Department of Texas, without permission of the Legislature of the State of Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said H. J. Birdsong, be and he is hereby granted permission to bring suit against the State of Texas and the Highway Department of the State of Texas, for damages sustained by him on account of his injuries as hereinbefore alleged, in any Court of competent jurisdiction, in Red River County, Texas, at any time within two years from the date this resolution takes effect; and that such suit upon said cause of action shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were against an ordinary Texas corporation; and that process issued in such suit may be served upon the Governor of the State of Texas, the Attorney General of the State of Texas, and the Chairman of the Highway Commission of Texas; and, be it further.

Resolved, That any judgment which may be recovered by reason of the prosecution of such suit shall be, and constitute, a liquidated debt and shall be paid by the Highway Commission of Texas out of the State Highway Funds.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, June 8, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 1.

The following have been appointed on the part of the Senate:

Senators Redditt, Moore, Nelson, Oneal and Rawlings.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE "HOT OIL" SITUATION

Mr. Reed of Bowie offered the following resolution:

Whereas, The oil industry of this State is one of its largest industries, paying in, directly or indirectly, over fifty per cent (50%) of the revenues raised by this State; and

Whereas, For many months charges have been made, and are being made, that hundreds of thousands of barrels of "Hot Oil" are still being produced within the State in violation of the laws of Texas and the orders of the Railroad Commission and the Courts; and

Whereas, The landowners of East Texas have joined themselves together in a body to help obtain evidence of the illegal taking of oil and claim to be in possession of evidence that would be valuable to this Legislature and have asked that a legislative committee hold a hearing in East Texas; and

Whereas, In connection with said charges there have sometimes appeared insinuations against the integrity of representatives of the people of Texas; therefore, be it

Resolved by the House of Representatives of the State of Texas, That a committee of five (5) Members of the House of Representatives, be appointed by the Speaker of the House to make an investigation of the enforcement of the conservation laws of this State and to ascertain the facts and gather information as to the matter herein referred to.

That said committee shall have the power to formulate its own rules of procedure and evidence and provide for its own hours for meeting and adjourning. That the Chairman appoint its own secretary and employees and Sergeant-at-Arms.

That the Committee shall have the power to issue process for witnesses to any place in this State and to compel their attendance and to produce all books and records and upon disobedience of any subpoena the said

committee shall have the power to issue attachments, which may be addressed to and served by either the Sergeant-at-Arms appointed by said committee or any sheriff or any constable of this State; said committee shall have power to inspect and make copy of any books, records, or files of any department, commission, or board of this State, or any employee, or appointee by said committee and of any county or political subdivision of this State, and shall have power to examine and audit the books of any person, firm, or corporation having dealings with said departments, commissions, or boards under investigation or any employee or appointee of said office. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses, and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed.

Said Committee shall have the power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors, and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon request of the chairman or members of said committee.

That said committee shall begin and complete its investigation at its earliest possible moment and shall submit a report in writing to the next Called Session of the Forty-fifth Legislature.

The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fifth Legislature upon sworn account of the persons entitled to such pay when approved by chairman of the said committee, and Five Hundred and no/100th (\$500.00) Dollars is hereby appropriated out of the mileage and per diem and Contingent Fund of said First Called Session of the Forty-fifth Legislature to meet the payment of such per diem and expenses of the members of said committee, witness fees and other expenses incident to said investigation.

Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

REED of Bowie,
PRESCOTT,
HOLLAND.

The resolution was read second time.

Mr. Harris of Dallas moved that the resolution be referred to the Committee on Oil, Gas and Mining.

Mr. Thornton moved that the resolution be tabled.

(Mr. Tennyson in the Chair.)

Mr. Mays raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

Question—Shall the motion by Mr. Thornton that the resolution be tabled prevail?

ADJOURNMENT

On motion of Mr. Morris, the House, at 10:35 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Highways and Motor Traffic filed a favorable report on House Concurrent Resolution No. 5.

EIGHTH DAY

(Wednesday, June 9, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bond
Adkins	Boyer
Alexander	Bradbury
Alsup	Bridgers
Amos	Broadfoot
Baker	Brown
Beckworth	Burton
Bell	Callan
Blankenship	Carssow
Boethel	Cathey